

108TH CONGRESS  
1ST SESSION

# S. 469

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Mr. KOHL (for himself, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. REED, Ms. MIKULSKI, Mr. CORZINE, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Technological Resource  
5   to Assist Criminal Enforcement Act” or the “TRACE  
6   Act”.

### 7   **SEC. 2. PURPOSES.**

8       The purposes of this Act are—

1           (1) to increase public safety by assisting law en-  
2           forcement in solving more gun-related crimes and of-  
3           fering prosecutors evidence to link felons to gun  
4           crimes through ballistics technology;

5           (2) to provide for ballistics testing of all new  
6           firearms for sale to assist in the identification of  
7           firearms used in crimes;

8           (3) to require ballistics testing of all firearms in  
9           custody of Federal agencies to assist in the identi-  
10          fication of firearms used in crimes; and

11          (4) to add ballistics testing to existing firearms  
12          enforcement programs.

13 **SEC. 3. DEFINITION OF BALLISTICS.**

14          Section 921(a) of title 18, United States Code, is  
15          amended by adding at the end the following:

16          “(36) BALLISTICS.—The term ‘ballistics’ means a  
17          comparative analysis of fired bullets and cartridge casings  
18          to identify the firearm from which bullets and cartridge  
19          casings were discharged, through identification of the  
20          unique markings that each firearm imprints on bullets and  
21          cartridge casings.”.

1 **SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BAL-**  
 2 **LISTICS RECORDS.**

3 (a) AMENDMENT.—Section 923 of title 18, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

6 “(m)(1) In addition to the other licensing require-  
 7 ments under this section, a licensed manufacturer or li-  
 8 censed importer shall—

9 “(A) test fire firearms manufactured or im-  
 10 ported by such licensees as specified by the Attorney  
 11 General by regulation;

12 “(B) prepare ballistics images of the fired bullet  
 13 and cartridge casings from the test fire;

14 “(C) make the records available to the Attorney  
 15 General for entry into the electronic database estab-  
 16 lished under paragraph (3)(B); and

17 “(D) store the fired bullet and cartridge casings  
 18 in such a manner and for such a period as specified  
 19 by the Attorney General by regulation.

20 “(2) Nothing in this subsection creates a cause of ac-  
 21 tion against any Federal firearms licensee or any other  
 22 person for any civil liability except for imposition of a civil  
 23 penalty under this section.

24 “(3)(A) The Attorney General shall assist firearm  
 25 manufacturers and importers in complying with paragraph  
 26 (1) by—

1           “(i) acquiring, installing, and upgrading ballis-  
2       tics equipment and bullet and cartridge casing recov-  
3       ery equipment to be placed at locations readily ac-  
4       cessible to licensed manufacturers and importers;

5           “(ii) hiring or designating sufficient personnel  
6       to develop and maintain a database of ballistics im-  
7       ages of fired bullets and cartridge casings, research,  
8       and evaluation;

9           “(iii) providing education about the role of bal-  
10      listics as part of a comprehensive firearm crime re-  
11      duction strategy;

12          “(iv) providing for the coordination among Fed-  
13      eral, State, and local law enforcement and regulatory  
14      agencies and the firearm industry to curb firearm-  
15      related crime and illegal firearm trafficking; and

16          “(v) taking other necessary steps to make bal-  
17      listics testing effective.

18      “(B) The Attorney General shall—

19          “(i) establish an electronic database—

20              “(I) through which State and local law en-  
21              forcement agencies can promptly access the bal-  
22              listics records stored under this subsection, as  
23              soon as such capability is available; and

1           “(II) that shall not include any identifying  
2           information regarding dealers, collectors, or  
3           purchasers of firearms; and

4           “(ii) require training for all ballistics exam-  
5           iners.

6           “(4) The Attorney General shall conduct mandatory  
7           ballistics testing of all firearms obtained or in the posses-  
8           sion of their respective agencies.

9           “(5) Not later than 3 years after the date of enact-  
10          ment of this subsection, and annually thereafter, the At-  
11          torney General shall submit to the Committees on the Ju-  
12          diciary of the Senate and the House of Representatives  
13          a report regarding the implementation of this section, in-  
14          cluding—

15               “(A) the number of Federal and State criminal  
16               investigations, arrests, indictments, and prosecutions  
17               of all cases in which access to ballistics records, pro-  
18               vided under the system established under this sec-  
19               tion and under similar systems operated by any  
20               State, served as a valuable investigative tool in the  
21               prosecution of gun crimes;

22               “(B) the extent to which ballistics records are  
23               accessible across jurisdictions; and

24               “(C) a statistical evaluation of the test pro-  
25               grams conducted pursuant to paragraph (4).

1       “(6) There are authorized to be appropriated to the  
 2 Department of Justice \$20,000,000 for each of the fiscal  
 3 years 2004 through 2007 to carry out this subsection, to  
 4 be used to—

5           “(A) install ballistics equipment and bullet and  
 6 cartridge casing recovery equipment;

7           “(B) establish sites for ballistics testing;

8           “(C) pay salaries and expenses of necessary  
 9 personnel; and

10          “(D) conduct related research and evaluation.”.

11       (b) EFFECTIVE DATE.—

12           (1) IN GENERAL.—Except as provided in para-  
 13 graphs (2) and (3), the amendment made by sub-  
 14 section (a) shall take effect on the date on which the  
 15 Attorney General, in consultation with the Board of  
 16 the National Integrated Ballistics Information Net-  
 17 work, certifies that the ballistics system used by the  
 18 Department of Justice is sufficiently developed to  
 19 support mandatory ballistics testing of new firearms.

20           (2) BALLISTICS TESTING.—Section 923(m)(1)  
 21 of title 18, United States Code, as added by sub-  
 22 section (a), shall take effect 2 years after the date  
 23 of enactment of this Act.

24           (3) EFFECTIVE ON DATE OF ENACTMENT.—  
 25 Section 923(m)(4) of title 18, United States Code,

1 as added by subsection (a), shall take effect on the  
2 date of enactment of this Act.

3 **SEC. 5. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.**

4 Ballistics information of individual guns in any form  
5 or database established by this Act may not be used for  
6 prosecutorial purposes unless law enforcement officials  
7 have a reasonable belief that a crime has been committed  
8 and that ballistics information would assist in the inves-  
9 tigation of that crime.

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